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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,128	06/23/2000	ARIJIT MUKHERJI	062891.0397	1473

7590 09/09/2005

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EXAMINER

HAN, QI

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/603,128		MUKHERJI ET AL.	
	Examiner		Art Unit	
	Qi Han		2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/04/2005 and 06/14/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7,8,14-17,23,24,28,29,31 and 37-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7,8,14-17,23,24,28,29,31 and 37-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Response to Amendment

3. This communication is responsive to the applicant's amendment 05/04/2005. The Applicant(s) amended claims 1, 7-8, 15-17, 23-24, 28-29, 31, 37-38, 40, 42, 44 and 46, and cancelled claims 6, 13, 22 and 36 (see amendment, pages 2-10), and filed the RCE examination request on 06/14/2005.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 6-8, 13-17, 22-24, 28-29, 31 and 36-48 have been considered but they are not persuasive.

It is noted that even though the current amended claims introduce new issue that changes the scope of the previous claims, they cannot overcome the teachings and obviousness of the combination of the prior art references (see detail in the claim rejection below).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 40, 42, 44 and 46 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 40, 44 and 46, the limitation of “**the first stream of packets**” is indefinite, since there are two different bases “a first stream of packets” in their parent claims respectively.

Regarding claim 42, the limitation of “**the second stream of packets**” is unclear or indefinite, since there are two different bases “a second of packets” in the parent claims. Further, the term of “the second stream” appears to be “the first stream”.

Claim Rejections - 35 USC § 103

7. Claims 1, 7-8, 14-17, 23-24, 28-29, 31 and 37-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett (US 2002/0001302 A1), in view of Sharman et al. (US 6,100,882), hereinafter referenced as Sharman.

Regarding **claim 1**, Pickett discloses systems and methods for multiple mode voice and data communications using intelligently bridged TDM and packet buses and methods for performing telephony and data functions using the same (title), in which VoIP communications attempts to provide reasonable voice communications over data/packet networks by allowing voice and signaling information to be transported over the data/packet network, and an IP network typically is used to transport the calls, which generally may be over an intranet or over the Internet (paragraph 367) that inherently provides packet based communication session for voice and text data, which corresponds to the claimed “communicating voice and text associated with a packet based voice communications session”. Pickett further discloses that:

“receiving local voice information from a local participant in a packet-based voice communications session having at least one remote participant”, (paragraph 194 and Figs. 3 and 13C, ‘computer 24 (local and remote participants) is coupled to communications system 50 (network) over packet bus 80A’, ‘a microphone (for receiving voice information)’, ‘through an appropriate packet standard’, ‘H.323’ ‘for transmission to a remote computer’; paragraph 370, ‘H.323 terminal... used for real-time bi-directional multimedia communication’);

“converting the [local] voice information into [local] text”, (paragraph 297, ‘speech/voice recognition’, ‘speech to text conversion, compression, translation’);

“generating a first stream of packets encoding the [local] text” (paragraph 297, ‘speech to text conversion’, ‘compression (broadly interpreted as encoding)’, ‘data stream from the LAN, WAN ...may be desirably coupled to resources’ that inherently includes packet based transmission; paragraph 298, ‘processes the voice data stream into another form (e.g. email (text))’);

“generating a second stream of packets encoding the local voice information” (paragraph 74, ‘coding/decoding function’, ‘voice compression’, ‘voice communication using an Internet protocol (“IP”) or other voice over other network protocol’ that inherently uses packet-based transmission);

“communicating the first stream of packets to the remote participant using transmission control protocol (TCP)”, (paragraph 194, ‘processes the packetized data stream... in a suitable form/protocol (such as TCP/IP) for transmission to a remote computer’; paragraph 297, ‘speech to text conversion (corresponding to the first stream)... thus data stream from the LAN, WAN, modem (through communicating)...’, which suggest that text type of data stream can be communicated in the LAN that is packet-based network; paragraph 298, ‘another form (including text form) may be stored, send (communicate) over the WAN or LAN’);

“communicating the second stream of packets to the remote participant using user datagram protocol (UDP)” (paragraphs 374 and 388, ‘addressing in VoIP (the second stream)’, ‘UDP header containing source and destination sockets’, ‘voice data is traveling over a data network inside TCP or UCP packets’);

“wherein the packet-based voice communications session comprises an Internet protocol (IP) telephony communications session”, (paragraph 367, ‘VoIP communications... voice communications over data/packet networks...’ and ‘an IP network typically is used to transport the calls, which generally may be over an intranet or over the Internet’);

“receiving a first stream of packets encoding remote voice information and a second stream of packets encoding remote text from the remote participant”, (Pickett: paragraph 194 and Fig. 3, ‘computer terminal (also H.323 terminal) 24’ (one of the terminal 24 acts as a remote

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terminal during communication); paragraph 370, 'multimedia communication application(s)', 'H.323 terminal... used for real-time bi-directional multimedia communication');

"displaying both the local text and the remote text to the local participant using a visual output device", (Pickett: paragraph 194 and Fig. 3, 'computer terminal (also H.323 terminal) 24'; paragraph 72, 'processor/system resources 70 also may include a display device'; Sharman: Fig. 9, blocks 945 and 955).

In addition, Pickett discloses that the system provides Voice over IP (VoIP) technique (paragraph 361), uses H.323 standard (paragraph 368), and uses H.323 terminals that can either be a PC or a standalone device and provides audio communications while optionally supporting video or data communications (paragraph 361), which further supports to implement the functionality as stated above because both VoIP and H.323 are packet-based communications and H.323 supports multimedia communications including audio and text.

Even though Pickett discloses the capability of generating and communicating packeted text data stream and voice data stream and centralized speech-to-text conversion, as stated above, Pickett does not expressly teach converting the local voice information into "local text" and the text data stream being associated with the content of voice data stream during the generating and communicating processes. However, this feature is well known in the art as evidenced by Sharman who discloses textual recoding of contributions to audio conference using speech recognition (title), comprising a distributed system performing speech recognition to convert speech to text at local workstation (i.e. converting the local speech into a text locally) (column 2, lines 50-65), and transmitting the both speech (voice data stream) and the converted text (data stream) to the other workstation(s) (abstract). Therefore, it would have been obvious to one of

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ordinary skill in the art at the time the invention was made to modify Pickett by specifically providing the locally converted text (local text or data stream) associated with the voice data stream during the generating and communicating processes, as taught by Sharman, for the purpose of offering voice and text with natural conversation and providing optional feature of automatic translation for multilingual conferences (Sharman: column 3, lines 10-20).

Regarding **claim 7** (depending on 1), Pickett in view of Sharman further discloses “outputting the remote voice information substantially in real time using an acoustic output device”, (Pickett: paragraph 194 and Fig. 3 and 13C, ‘computer 24 (Fig. 13C) includes ... speaker’; Sharman: Fig. 1, blocks 10 and 20, ‘computer workstation’ and ‘telephone’; paragraph 370, ‘multimedia communication application(s)’, ‘H.323 terminal... used for real-time bi-directional multimedia communication’).

Regarding **claim 8**, it discloses an interface for a telecommunication device, which corresponds to the combined method claims 1 and 7. The rejection is based on the same reason described for claims 1 and 7, because the claims 8 recite the same or similar limitation(s) as claims 1 and 7.

Regarding **claim 14** (depending on 8), Pickett further discloses using H.323 terminals that can be a PC and provides audio communications while optionally supporting video or data communications (paragraph 370), wherein PC inherently includes the embodied software or program, such as windows operating system and GUI tools, which is corresponds to the claimed “the interface comprises a computer program embodied in a computer readable medium.”

Regarding **claim 15** (depending on 8), Pickett in view Sharman further discloses “operable to output the remote voice information using speech synthesis to convert the remote

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text into an audio output” (Pickett: paragraph 297, ‘data streams may be desirably coupled to a resource such as DSP 76 in order to have ... speech to text conversion’; Sharman: column 3, ‘speech synthesis to covert the text into the correct language (herein referring speech language)’).

Regarding **claim 16** (depending on 8), Pickett in view Sharman further discloses that an automatic translation unit could be interposed between the speech recognition and speech synthesis to convert the text into the correct language for each participant (Sharman: column 3, lines 16-19), which corresponds to the claimed “operable to translate the remote text from a first language to a second language”.

Regarding **claims 17 and 23**, they disclose telephony communication software embodied in a computer readable medium for a telecommunication device. The rejection is based on the same reason described for claims 1 and 7 respectively, because the claims 17 and 23 recite the same or similar limitation(s) as claims 1 and 6-7 respectively.

Regarding **claim 24**, it discloses a telecommunication system. The rejection is based on the same reason described for claim 24 because the claim recites the same or similar limitation(s) as claim 1.

Regarding **claims 28-29** (depending on claim 24), the rejection is based on the same reason described for claims 16 and 15 respectively, because claims 28 and 29 recite the same or similar limitation(s) as claims 16 and 15, respectively.

Regarding **claims 31 and 37**, they disclose an apparatus (device). The rejection is based on the same reason described for claims 1 and 7 respectively, because claims 31 and 36-37 recite the same or similar limitation(s) as claims 1 and 7, respectively.

Regarding **claim 40** (depending on 1), as best understood in view of the rejection under 35 USC 112 2nd (see above), Pickett in view of Sharman further discloses “detecting a degradation in a quality of the packet-based voice communications session; and communicating the first stream of packets to the remote participant using transmission control protocol (TCP) in response to detecting the degradation in the quality of the packet-based voice communications session”, (Pickett: paragraph 194, ‘processes the packetized data stream (corresponding text stream), which preferably now is in a suitable form/protocol (such as TCP/IP) for transmission to a remote computer’; paragraph 105, ‘line quality assessment (interpreted as detecting)’ ‘capability enables ... to link status indicators’, ‘the line condition... (e.g. “speed grading” or “speed characterization” of individual lines) can be measured (detecting a degradation)’ ; paragraph 363, ‘enhance voice quality’, ‘dynamically adjustable jitter buffer, packet-loss correction, and noise-level matching’, which suggests detecting a degradation during the voice communication; Sharman: column 4, lines 1-8, ‘the text recording process can be turned on and off during the audio conference’; the combined system has capability of turning on/of the text session based on the detected line condition, including degradation in quality in voice communication as claimed).

Regarding **claim 38**, it discloses a method for communicating voice and text associated with a packet-based voice communication session. The rejection is based on the same reason described for claims 1 and 40, because the claim recites the same or similar limitation(s) as claims 1 and 40.

Regarding **claim 39** (depending on 1), Pickett in view of Sharman further discloses the text recording process (text communications session) can be turned on (provided) and off during

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the audio conference (the voice communications session) (Sharman: column 4, lines 1-8), which corresponds to the claimed “determining that the packet-based voice communications session provides for a text communications session before communicating the first stream of packets to the remote participant”.

Regarding **claim 41** (depending on 8), the rejection is based on the same reason described for claim 39 because the claim recites the same or similar limitation(s) as claim 39.

Regarding **claim 42** (depending on 8), the rejection is based on the same reason described for claim 40 because the claim recites the same or similar limitation(s) as claim 40.

Regarding **claim 43** (depending on 17), the rejection is based on the same reason described for claim 39 because the claim recites the same or similar limitation(s) as claim 39.

Regarding **claim 44** (depending on 17), the rejection is based on the same reason described for claim 40 because the claim recites the same or similar limitation(s) as claim 40.

Regarding **claim 45** (depending on 24), the rejection is based on the same reason described for claim 39 because the claim recites the same or similar limitation(s) as claim 39.

Regarding **claim 46** (depending on 24), the rejection is based on the same reason described for claim 40 because the claim recites the same or similar limitation(s) as claim 40.

Regarding **claim 47** (depending on 31), the rejection is based on the same reason described for claim 39 because the claim recites the same or similar limitation(s) as claim 39.

Regarding **claim 48** (depending on 31), the rejection is based on the same reason described for claim 40 because the claim recites the same or similar limitation(s) as claim 40.

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Conclusion

8. Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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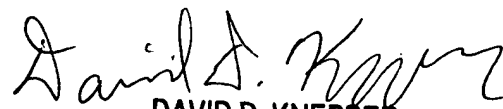
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (571) 272-7604. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richmond Dorvil, can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

QH/qh
September 1, 2005


DAVID D. KNEPPER
PRIMARY EXAMINER